

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO: 91-80936

v.

HON: PATRICK J. DUGGAN

D-3 EZRA HENRY,

Defendant.

ORDER

BEFORE THE COURT is a motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a modification of the term of imprisonment of the defendant, Ezra Henry, to time served, and commencement of a five-year term of supervised release previously imposed. The Court finds:

1. Ezra Henry was convicted of violating 21 U.S.C. § 846, 21 U.S.C. § 841(a)(1), and 21 U.S.C. § 843(b), Conspiracy to Possess with the Intent to Distribute and Distribution of Cocaine and Heroin, Possession with the Intent to Distribute Heroin, and Unlawful Use of a Telephone.
2. He was sentenced on December 14, 1992, in the District Court for the Eastern District of Michigan, to a 250-month term of imprisonment followed by a five-year term of supervised release.
3. His projected release date is August 24, 2010, via Good Conduct Time.
4. Mr. Henry, age 63, has been diagnosed with severe congestive heart failure, atrial fibrillation, cardiac insufficiency, cardiomegaly, hypertension, pericarditis, chronic airway obstruction, venous embolism, and thrombosis. He has a mitral valve replacement. His mental responses have become noticeably slower and his memory is becoming increasingly impaired. During his incarceration his cardiac condition has continued to deteriorate and he has experienced numerous hospitalizations and procedures. Mr. Henry is compliant with medical recommendations but his medical options have been maximized and his care now focuses on comfort measures. He requires assistance in accomplishing his Activities of Daily Living. His prognosis is poor and his survival for the next six months is approximately 50 percent.

5. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the Court, upon motion of the Director of the Bureau of Prisons, to modify a term of imprisonment upon the finding that extraordinary and compelling reasons warrant the reduction. The Director of the Bureau of Prisons contends, and this Court agrees, that the defendant's terminal and debilitated medical condition and very limited life expectancy, constitute extraordinary and compelling reasons that warrant the requested reduction.

IT IS THEREFORE ORDERED that the defendant's term of imprisonment is hereby reduced to the time he has already served.

IT IS FURTHER ORDERED that the defendant shall be released from the custody of the Federal Bureau of Prisons as soon as his medical condition permits, the release plan is implemented, and travel arrangements can be made.

IT IS FURTHER ORDERED that upon his release from the custody of the Federal Bureau of Prisons, the defendant shall begin serving a five-year term of supervised release previously imposed.

DONE AND ORDERED THIS 24th DAY OF SEPTEMBER 2008.

S/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: September 24, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 24, 2008, by electronic and/or ordinary mail.

S/Marilyn Orem
Case Manager